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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,140	06/27/2003	Henry D. Melendez	MEL3074.03A1	6728

S156 7590 06/28/2005

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EXAMINER

HOGAN, JAMES SEAN

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,140	MELENDEZ, HENRY D.	
	Examiner	Art Unit	
	James S. Hogan	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/03 + 11/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 6-8, 10-11, and 13 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,894,556 to Pareja.
2. Regarding claims 1-4, 6-8, 10-11 and 13 Pareja ('556) discloses a valve body (11) made up of a first member part (25) and a two lower parts (36 and 37). The three parts are threaded (ex. at 28), indicating rotatable means for adjusting the bias on a spring (17) and inner tube member (26), with the first member (25) being perceived as being "in" the valve body. The valve body also has an intake port (13), a central channel (53), an output port (14); a valve seat (18) disposed within the central channel, and a biased valve head (16). Further, the valve head is configured to engage the valve seat when the pressure of the flow of fluid drops to a level insufficient to overcome the bias on the valve head.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3752

4. Claims 5, 9, 12, 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,894,556 to Pajera in view of U.S. Patent No. 4,667,878 to Behr

5. Regarding parent claim 15, Pareja ('556) discloses a valve body (11) made up of a first member part (25) and a two lower parts (36 and 37). The three parts are threaded (ex. at 28), indicating rotatable means for adjusting the bias on a spring (17) and inner tube member (26), with the first member (25) being perceived as being "in" the valve body. The valve body also has an intake port (13), a central channel (53), an output port (14); a valve seat (18) disposed within the central channel, and a biased valve head (16). Further, the valve head is configured to engage the valve seat when the pressure of the flow of fluid drops to a level insufficient to overcome the bias on the valve head. Pajera ('556) shows what appears to be a barbed hose connection at the outlet of the device (14). As per claims 5, 9, 12 and 14, Pajera ('556) does not teach a spray nozzle per se. Behr ('878) teaches a paint spray nozzle having a radially inward valve needle that is connected coaxially to the nozzle by way of a threaded connection. It would have been obvious to one skilled in the art at the time the invention was made to have modified the valve of Pajera ('556) with the nozzle of Behr ('878) in order to provide a spray device that does not "sputter" once pressure falls below a manually preset value.

Conclusion

Art Unit: 3752

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

U.S. Patent No. 3,936,002 to Gebeth, Jr., disclosing an adjustable spray tip

U.S. Patent No. 3,729,018, to Butterfield, disclosing a valve for spray guns

U.S. Patent No. 5,183,075 to Stein, disclosing a check valve

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
06/24/2005



David A. Scherbel
Supervisory Patent Examiner
Group 3700